

Application No. : 10/015,811  
Amdt. Dated : September 10, 2003  
Reply To Office Action Of : June 10, 2003

### **REMARKS**

The Applicants thank the Examiner for his careful and thoughtful examination of the present application. By way of summary, Claims 66-77 were pending in this application. In the present amendment, the Applicants have canceled Claims 66-77 without prejudice or disclaimer and added new Claims 78-89. Accordingly, Claims 78-89 remain pending for consideration.

#### **Objections to Claims and Rejections of Claims Under 35 U.S.C. § 112 ¶ 2**

The Office Action objected to various canceled claims based on informalities and rejected various claims under 35 U.S.C. Section 112, second paragraph. While the Applicants may not agree with the foregoing objections and rejections, in order to progress the prosecution of the present application, the Applicants have added new claims using terminology that should eliminate any need for the objections and 35 U.S.C. Section 112 rejections.

The Office Action included a rejection under 35 U.S.C. Section 112, second paragraph, as allegedly being incomplete for omitting the recitation of a barrier layer as Silicon Nitride which allegedly is the only identified insulating material that can also protect the plug. See page 4, paragraph 1. Even assuming Silicon Nitride is the only material disclosed for the disclosed and claimed barrier layer, the Applicants respectfully submit that the claims need not be limited to just the preferred embodiment, e.g., may also include subject matter known to an artisan from the disclosure of "barrier layer."

#### **Rejection Of Claims Under 35 U.S.C. § 103**

The Office Action rejected the previously pending claims under 35 U.S.C. § 103 as being unpatentable over U.S. patent no. 6,043,529, issued to Hartner et al., (the Hartner patent) in view of various combinations of other prior art. The Applicants respectfully traverse these rejections for the following reasons.

The effective priority date of the present application is **March 15, 1999**, the filing date of the parent application to which the present application claims a priority benefit as a continuation. The Office action alleges that the Hartner patent qualifies as prior art

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to the present application, ostensibly under 35 U.S.C. § 102(e). However, because the filing date of the Hartner patent predates November 29, 2000, the effective date of the American Inventor's Protection Act of 1999, the Applicants submit that the effective 102(e) date of the Hartner patent is March 30, 1999, its U.S. filing date, which is after the priority date of the present application. Accordingly, the Hartner patent is not prior art to the present application.

According, the Applicants respectfully submit that the rejections of the prior claims are not applicable to new Claims 78-89.

### Request For Telephone Interview

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Applicants' undersigned attorney of record hereby formally requests a telephone interview with the Examiner. The Applicants' attorney can be reached at (949) 721-2946 or at the number listed below.

In addition, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Sept. 10, 2003

By: 

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Commissioner for Patents  
P.O. Box 1450  
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**Attorney Docket No.:** MICRON.083C1

**Applicants** : Thomas M. Graettinger, et al.

**For** : ELECTRICAL CONTACT FOR HIGH  
DIELECTRIC CONSTANT CAPACITORS  
AND METHOD FOR FABRICATING THE  
SAME

**Attorney** : John M. Grover

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Transmittal Letter; Amendment and Response to Office Action dated  
June 10, 2003; Return Prepaid Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lisa Sierra

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